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SERVICE DATE - JULY 17, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 397X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY
COMPANY—ABANDONMENT EXEMPTION—IN PIERCE COUNTY, WA

Decided: July 15, 2003

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Service to abandon a 0.24-mile line of railroad between milepost 28.10 and milepost 28.34 near McMillan, in Pierce County, WA (the line). Notice of the exemption was served and published in the Federal Register on January 28, 2003 (68 FR 4271-72).

By decision and notice of interim trail use or abandonment (NITU) served on February 26, 2003, the proceeding was reopened, a NITU was issued to the Pierce County Parks and Recreation Department (PCPRD),¹ and the exemption was made subject to the condition that BNSF retain its interest in and take no steps to alter the historic integrity of the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

By letter dated June 19, 2003, BNSF has requested that the historic preservation condition be removed. In support of its request, BNSF attached a letter, which included an indication by the Washington State Office of Archaeology and Historic Preservation that there are no properties listed in or eligible for inclusion in the National Register of Historic Places located in the proposed project area. Therefore, SEA recommends that the historic preservation condition be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The issuance of a NITU to PCPRD had the effect of delaying the consummation of the abandonment pursuant to the exemption until August 25, 2003, at the earliest.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 condition is removed.
3. This decision is effective on its date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary